

OFFICIAL MEMORANDUM

No. GAD 33 SSR 63, DATED BANGALORE, 24TH JANUARY 1964
(MAGHA 4, SAKA ERA 1885).

Suggestions are being received from Heads of Departments, that in view of the large number of Circular instructions issued by Government from time to time in respect of transfer of Government servants, a consolidated O. M. containing the salient features of those instructions may be issued. Accordingly a gist of the various orders of general applicability issued so far has been drawn up for ready reference and guidance of all Departments.

2. In Government Order cited first, transfer of Class II and Class III officials outside the District or the Division as the case may be should be proposed through the Head of the Department, where such transfer is deemed necessary in the public interest and that such a Government servant should not be transferred unless he has been at his place of posting at least for two years and shall normally be transferred if he is at a place for three years. The expression "Division" or "District" means, the Revenue Division or District in regard to Departments whose divisions or districts correspond to Revenue Division or District. In regard to other departments, transfer will be confined within the circles or ranges as the case may be. When a transfer in breach of this instruction is found necessary, the prior orders of the next higher authority should be obtained before ordering such transfer. This restriction will not apply in the case of promotion. Further, Gazetted Officers and Non-Gazetted Non-Ministerial Officers should not normally be posted to their home towns or areas where they own immovable property, this restriction being not applicable in the case of officers having jurisdiction over more than one district. Transfers of Class III officials are to be restricted as far as possible during the specific months of the year when the educational institutions have their annual holidays. These principles have to be observed in the case of transfers ordered by Government also.

3. In the case of Class IV Government servants, it was directed in circular cited 2nd, that they should not normally be transferred outside the district. Government re-examined these existing instructions and directions were issued in Official Memorandum cited 3rd, that transfers of Class III Officials outside the division, if it becomes necessary in the public interest, the Heads of Departments should report the facts to Government in the administrative department of the Secretariat and obtain orders and where it is considered necessary to transfer Ministerial Staff they should not be transferred normally outside the district in which they are serving. It was also ordered that if it becomes necessary to transfer Class IV Government Servants outside the Districts in which they are employed, orders of the Head of the Department concerned should be obtained. In the case of Departments which do not have offices at divisional and district levels, the entire department is treated as one unit for purposes of transferring Class III and Class IV Government servants and transfers in such department cannot be confined within the divisions or districts. These orders have not been made applicable to Education Department.

4. In the Official Memorandum cited 4th, it was directed that the transfers of Class III officials of the status of second division clerks and the like should be restricted within the district in which they are appointed or serving and major Heads of Departments were empowered to transfer such Government servants, if they so desired outside the district on compassionate grounds. With a view to bringing back Class IV and Class III officials already transferred outside their districts or division instructions were issued in the Official Memorandum cited 6th that as far as possible, they may be brought back to their districts or divisions whenever vacancies occur provided they have served outside the districts or divisions for three years. This rule was relaxed in Official Memorandum cited 10th, to the

extent that Class IV Government servants who have been transferred to distant places outside the districts may be transferred to their native districts, even though they have not served outside their districts for three years subject to the conditions that the transfers are mutually agreed to and there is no cost to Government on account of payment of transfer T.A. This concession was not however extended to Class III Staff.

5. In Official Memorandum cited 5th, the above instructions were reiterated and it was impressed that no Government servant should be transferred within a period of 2 years except for special reasons to be recorded in writing and with the orders of Government and that no Government servant shall be kept at the same place without transfer for over three years and that transfers should generally be made annually between the months of April and June. On a further consideration, it was directed in the official Memorandum cited 7th, that transfer of Class III Government servants who have been at a place for less than 2 years may be made after obtaining the orders of Head of the Department concerned or the Divisional Commissioner as the case may be for special reasons to be recorded in writing. A *pro forma* was prescribed for furnishing details of such premature transfers by the transferring authorities to Government in the administrative department concerned every quarter in the month of April, July, October and January, which the Secretaries to Government are required to review with a view to watch whether such delegation of power is properly exercised by the authorities concerned and submit the reviews to the Chief Minister through the Chief Secretary and the concerned Minister. It was again impressed upon all concerned in Circular cited 8th that generally no transfer should be effected before a Government servant has put in three years at a place and every Government servant should be transferred after he has completed three years at a place, unless it becomes absolutely necessary in the public interest to transfer such a Government servant within 2 years. Instructions were also issued in the Official Memorandum cited 11th, that instructions contained in Official Memorandum No. GAD 117 SSR 62, dated 4th August 1962 in regard to the period fixed for the officials to be kept at a place should be implemented without delay and for that purpose lists of Government officials staying long at various places should be regularly prepared and prompt action taken.

6. It was also directed in Official Memorandum cited 9th, that if transfers are made at the request of the Government servants themselves the general rule should be that in all such cases the officers concerned should forego transfer T.A. which they would otherwise draw if they are transferred in the public interest.

7. Instructions issued in respect of specific Departments have not been covered in this Official Memorandum.

8. These instructions have not been made applicable to the Judicial Department as transfers and postings of officers of that Department are done under orders of the High Court.

9. Government servants posted to work in projects, etc., are not to be disturbed for a period of 5 years or till the special work on which they are engaged is completed and transfers in breach of these orders should be made after obtaining the specific approval of Government. Ref. Official Memorandum No. GAD 80 OOM 63, dated 29th May 1963.

10. Transfer of Government servants whose husbands/wives are in service are to be regulated as far as possible in accordance with the instructions issued in Circular No. GAD (S-1) 198 SRR 59, dated 12th December 1959.

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